

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Kathy Barnett,**

*Plaintiff,*

**Case No. 3:16-cv-279**

**v.**

**District Judge Thomas M. Rose**

**Nancy Berryhill,  
Acting Commissioner of Social Security,**

**Magistrate Judge Sharon Ovington**

*Defendant.*

---

**ENTRY AND ORDER ADOPTING REPORT AND  
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC. 13),  
OVERRULING DEFENDANT'S OBJECTIONS (DOC. 14), VACATING  
THE COMMISSIONER'S FINDING OF NON-DISABILITY;  
REMANDING THIS MATTER TO THE COMMISSIONER UNDER  
THE FOURTH SENTENCE OF 42 U.S.C. § 405(g) FOR PROCEEDINGS  
CONSISTENT WITH THIS OPINION; AND TERMINATING THE  
INSTANT CASE.**

---

This matter comes before the Court pursuant to Objections (Doc. 14) to the Report and Recommendations of Magistrate Judge Sharon Ovington (Doc.13) recommending that the Commissioner's non-disability finding be vacated and that this matter be remanded to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for proceedings consistent with this opinion; and that this case be closed.

The Court has reviewed the findings of the Magistrate Judge and, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a *de novo* review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (Doc. 14) are not

well-taken and, for the reasons stated in Magistrate Judge Ovington's opinion, are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (Doc. 13) in its entirety. The Commissioner's non-disability finding is hereby **VACATED**. No finding is made as to whether Plaintiff Kathy Barnett was under a "disability" within the meaning of the Social Security Act. This case is **REMANDED** to the Commissioner and the Administrative Law Judge under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with this case. The instant case is **TERMINATED** on the docket of the United States District Court for the Southern District of Ohio, Western District at Dayton.

**DONE** and **ORDERED** this Friday, September 27, 2016.

s/**THOMAS M. ROSE**

---

THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE